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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

9

Application Number

09/974,973

Filing Date

October 12, 2001

First Named Inventor

Paul D. Hanke

Art Unit

1652

Examiner Name

Slobodyansky, E.

Attorney Docket Number

031001

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☒

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

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Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

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Remarks

Please file the enclosed amendment and reply. Kindly stamp and return the enclosed postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Buchanan Ingersoll PC

Signature

Printed name

Duane A. Stewart III

Date

January 5, 2005

Reg. No.

54,468

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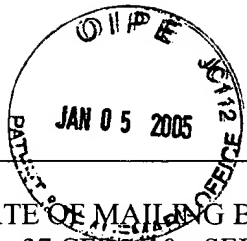
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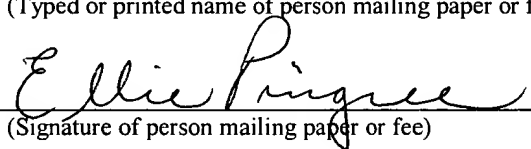
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER		ATTORNEY'S DOCKET NO. 031001
IN RE APPLICATION OF: Paul D. Hanke		
Application Serial No.: 09/974,973		Filing Date: October 12, 2001
Title: Feedback-Resistant Pyruvate Carboxylase Gene From Corynebacterium		
Group Art Unit 1652		Examiner Slobodyansky, E.
<p>Express Mail mailing label number: EL 826279880 US Date of Deposit: January 5, 2005</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><u>Ellie Pingree</u> (Typed or printed name of person mailing paper or fee)</p> <p> (Signature of person mailing paper or fee)</p>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : **PATENT APPLICATION**
:
Paul D. Hanke : **FEEDBACK-RESISTANT PYRUVATE**
: **CARBOXYLASE GENE FROM**
: ***CORYNEBACTERIUM***
Serial No.: 09/974,973 :
: **Group Art Unit: 1652**
Filed: October 12, 2001 : **Examiner: Slobodyansky, E.**

Pittsburgh, Pennsylvania 15219
January 5, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT E AND REPLY TO FINAL OFFICIAL
ACTION UNDER 37 C.F.R. § 1.116

Sir:

This is in response to the Final Official Action mailed November 15, 2004, in connection with the above-captioned application having a statutory period for response set to expire February 15, 2005. This Amendment and Reply is submitted within the two month period of the mailing date of the Final Action. Applicants respectfully request that the Examiner issue an Advisory Action before the end of the three month statutory period ending February 15, 2005. The Examiner's rejections have been carefully considered and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims is courteously requested.

Please amend this application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this Amendment.

Remarks/Arguments begins on page 6 of this Amendment.